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MCDERMOTT, WILL & EMERY

March 30, 1999

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: In the Matter of Amendment of Parts 2 and 97 of the Commission's
Rules to Create a Low Frequency Allocation for the Amateur Radio
Service, RM-9404**


Dear Ms. Salas:

On behalf of Alabama Power, Georgia Power, Gulf Power, Mississippi Power, and Savannah Electric ("the Utilities"), transmitted herewith is an original and four copies of the Utilities' Reply Comments in the above-referenced proceeding.

A "Return Copy" of this filing is also enclosed. Kindly date stamp the "Return Copy" and return it to the courier in the enclosed envelope.

If you have any questions regarding this filing, please do not hesitate to contact the undersigned counsel.

Respectfully submitted,



Carole C. Harris

Enclosures

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OFFICE OF THE SECRETARY**

In the Matter of)
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Amendment of Parts 2 and 97 of the)
Commission's Rules to Create a Low)
Frequency Allocations for the)
Amateur Radio Service)
)

RM-9404

**REPLY COMMENTS OF ALABAMA POWER, GEORGIA POWER, GULF POWER,
MISSISSIPPI POWER & SAVANNAH ELECTRIC**

I. INTRODUCTION

Pursuant to Section 1.415 of the Rules of the Federal Communications Commission ("FCC" or "Commission"), Alabama Power, Georgia Power, Gulf Power, Mississippi Power, and Savannah Electric (collectively, "the Utilities") through their undersigned attorney, respectfully submit these Reply Comments in response to the Public Notice regarding the Petition for Rulemaking filed by the American Radio Relay League, Inc. The Utilities further request that the Commission accept these late-filed Reply Comments. Many of the Comments and Reply Comments filed in this proceeding have been late-filed, and the Utilities submit that there would be no adverse effect or prejudice that would result from consideration of the views expressed herein.

II. DISCUSSION

Southern Company ("Southern") is the parent company of five electric utilities, Alabama Power, Georgia Power, Gulf Power, Mississippi Power, and Savannah Electric, on whose behalf these comments are being filed. Southern is the largest producer of electricity in the United States, generating 157 billion kilowatt-hours at its U.S. facilities per year. Through its operating companies, Southern supplies energy to a 120,000 square mile service territory that spans most of Georgia and Alabama, southeastern Mississippi, and the panhandle region of Florida, an area with a population of approximately 11 million. Southern provides electricity to some 3.7 million retail customers and operates more than 36,000 megawatts of electric generating capacity in the United States, the most of any U.S. electric utility. In addition, the company employs more than 25,000 people in the United States.

The Utilities oppose the amateur radio allocation requested by the American Radio Relay League, Incorporated ("ARRL"). The Utilities comprising Southern Company are, collectively, the largest producers of electricity in the nation. As a result, the Utilities have strong concerns that use of the proposed allocation by the Amateur Radio Service will cause interference to their own Power Line Carrier ("PLC") activities, as well as to the PLC activities of additional electric utilities throughout the country.

As discussed in the comments of other parties, the frequencies 10-490 kHz are used extensively to operate electric utility PLC systems on power transmission lines for communications that are integral to the reliability and security of the provision of electric service to the public. PLC systems are essential to the Utilities' transmission and distribution of electricity. The allocation urged by the ARRL, however, would threaten the integrity of the high

voltage power system by causing interference that could result in large-scale power outages.

Although it recognizes the potential for this type of interference, the ARRL's Petition claims that any such interference would not be likely to cause any interruption of the power grid or to cause other adverse effects. The ARRL also concludes that the potential for an amateur radio station to cause interference to PLC systems is "minimal."

These claims are simply false. First, the potential for the proposed allocation to cause interference to essential PLC activities is great. Contrary to the statements in the ARRL's Petition, forward error-correcting digital transmissions are not widely utilized by electric utilities in this context, and, therefore, the claim that these systems are "nearly immune" to interference is simply incorrect.¹ In addition, under the scenario proposed by the ARRL, amateur operators would have no means of determining particular frequencies to utilize in order to prevent interference and no way of calculating the EIRP of their operations. Electric utilities currently determine on which frequencies to operating their PLC systems by accessing Utilities Telecommunications Council ("UTC") database, which contains information on utilities' PLC systems and their technical parameters. Granting access to these low frequencies to amateur operators as proposed by the ARRL, however, would disrupt this system and undoubtedly cause interference to PLC operations.

Most importantly, however, it is the *ramifications* of any such interference that demonstrate clearly that the proposed allocation should be rejected. Power line carrier systems are essential to the distribution and transmission of electrical power. Short- and long-term outages and blackouts could result from interference with PLC systems, a result that would be

¹ See Petition for Rulemaking at p. 16, para. 23.

directly contrary to the public interest. The Utilities therefore urge the Commission to reject the ARRL's proposal to allocate the proposed frequencies for use by the Amateur Radio Service.

Furthermore, as noted in the Comments of the IEEE Power System Relaying Committee, the 2 watt EIRP limit proposed by the ARRL is a limit to which amateur operators would have severe difficulty adhering. The comments filed in this proceeding overwhelmingly suggest that few if any amateur operators have the ability to calculate EIRP.² In addition, the ARRL's Petition makes no proposals regarding restrictions over antenna size or design, citing the potential that amateur experimentation would be stifled.³ There is no evidence that any such restrictions would, in fact, affect experimentation in any way. To the extent that the Commission chooses to pursue the allocation proposed by the ARRL, it should subject amateur operations in this band to strict limits on antenna heights and ERP.

The ARRL's Petition fails to make a convincing case for the need for a rulemaking to address this subject. Clearly many parties hold conflicting views regarding the potential for interference to PLC activities and the level of any such interference. In the face of such differing opinions, the ARRL must be required to do more than simply request this allocation. Rather, it must demonstrate that a rulemaking in this regard is necessary and in the public interest. The ARRL, however, has shown neither.

By contrast, the conflicting views regarding the threat of a low frequency allocation to utilities' PLC activities demonstrates that the ARRL's proposal is, in fact, contrary to the public interest. Any threat to the reliability of the nation's power delivery system by definition is directly contrary to the public interest. Because the ARRL cannot demonstrate clearly that the

² See Comments of Philip E. Galasso; Comments of Texas Instruments at p. 3.

³ See Reply Comments of the American Radio Relay League, Incorporated at p.4.

proposed allocation would not threaten the PLC activities of the nation's utilities, the Commission should reject the Petition for Rulemaking.

III. CONCLUSION

For the reasons set forth herein, the Utilities respectfully urge the Commission to reject the Petition for Rulemaking filed by the ARRL. The rulemaking urged by the ARRL seeks to establish a frequency allocation that will present an undue risk of interference to utilities' essential PLC activities and threaten the reliability of the power delivery system in effect throughout the nation. Such a result would be directly contrary to the public interest, and, accordingly, the ARRL's Petition should be rejected.

Respectfully submitted,



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MISSISSIPPI POWER, & SAVANNAH
ELECTRIC**

Dated: March 30, 1999

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Reply Comments of Alabama Power, Georgia Power, Gulf Power, Mississippi Power, and Savannah Electric has been served on the parties listed below by first-class mail, postage prepaid, on this 30th day of March, 1999:

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